FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6342 OF 2005

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : B. P. Dharmadhikari, J.
Dated : 14th February, 2007.

Heard Advocate Shri Masood Shareef and Advocate Shri K.V.Thomas for petitioner and Learned A.G.P. for respondents No.1 & 2.

It is contended that in view of various amendments made to the provisions of the Bombay village Panchayat Act, 1958 and other similar legislations regulating the affairs of local authorities, the legislature has given protection and preference to woman candidates and office bearers. It is, therefore, stated that first proviso appearing after Section 35(3) of the Bombay Village Panchayat Act, 1958 should be construed to mean that whenever office of Sarpanch is held by woman Sarpanch, motion of no confidence has to be carried only with majority of not less than 3/4th of

appointed number of members entitled to seat and vote. It is contended that if this interpretation is not acceptable, the very purpose of carrying out various amendments mentioned above stands defeated.

Learned A.G.P. for respondents No.1 and 2 states that the language of said proviso is very clear and also unambiguous . He contends that therefore, such an interpretation is not warranted.

Perusal of said proviso reveals that the words used therein are ''*where the office of Sarpanch being reserved for woman, is held by a woman Sarpanch*''. Therefore, the proviso requires an office of Sarpanch, which is reserved for woman and then it should also be held by a woman. The language is, therefore, unambiguous. The interpretation as contended cannot be accepted in view of clear language. Even if it is presumed that such words and clear provisions are given effect, they result into some absurdity, that cannot be the reason to refuse to give natural meaning to such words. I, therefore, find that no case is made out for interference in the matter in writ jurisdiction.

Writ petition is accordingly dismissed. No

costs.

JUDGE

Diwale